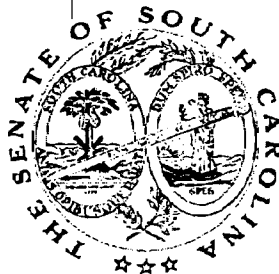


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AIKEN COUNTY LEGISLATIVE DELEGATION

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September 8, 2009

Public Service Commission of South Carolina
Attention: Charles L. A. Terreni
P.O. Drawer 11649
Columbia, SC 29211

Re: Response to Avondale's Motion to Dismiss
Docket No. 2009-342-WS

Dear Mr. Terreni:

Please accept this letter as the Response to Avondale's Motion to Dismiss in Docket No. 2009-342-WS. In the Motion, Avondale alleges that (1) the legislators do not have standing to ask the PSC to address the reasonableness of the current rate and (2) Avondale does not know what the allegations are against it which justify the hearing.

Avondale's Motion to Dismiss should fail. S.C. Code Sec. 58-5-270 states as follows:

The commission has jurisdiction to hear **complaints regarding the reasonableness of any rates or charges that affect the general body of ratepayers**; but the commission may at its discretion refuse to entertain a petition as to the reasonableness of any rates or charges **unless it be signed by** the mayor or the president or chairman of the board of trustees or a majority of the council, commission **or other legislative body of the city or county or city or town affected by the subject matter of such complaint** or by not less than twenty-five consumers of the public utility named in the complaint. (emphasis added).

In the August 4, 2009 letter to the PSC, the legislative delegation asked the PSC to address the "reasonableness of the rates" in view of the "socioeconomic conditions" of the citizens on the system. We are not sure how to be more clear about the issue before the Commission.

Further, in that same correspondence, the legislative delegation stated that it was sending the letter pursuant to both S.C. Code Secs. 58-5-270, and 58-5-320 as the legislative body representing the area affected. The affected area is unincorporated so there is no city or town. Under 58-5-270, the legislative delegation is authorized to bring such a complaint and the PSC does not have the discretion to refuse to entertain the petition. Rather, the

PSC must hear the complaint as to the reasonableness of the rates. Additionally, the three of us represent the areas affected in the General Assembly. Thus, it is clear that the legislative delegation has the authority to file a complaint and that the PSC must hear that complaint because the delegation which signed the August 4, 2009 letter is the majority of the delegation representing the affected area.

Finally, S.C. Code Sec. 58-5-320 states as follows:

The commission may, at any time, upon notice and opportunity to the public utility affected and the regulatory staff to be heard, ***rescind, alter, or amend any order or decision made by it***. Any order rescinding, altering, or amending a prior order or decision shall, when served upon the public utility affected, have the same effect as is herein provided for original orders or decisions.(emphasis added.)

This statute clearly states that the PSC can rescind, alter or amend the earlier June 18, 2009 order as to the Avondale rate schedule. Again, the August 4, 2009 letter, upon which this action is based, invoked this statute.

Based on the foregoing, neither argument that Avondale presents in support of the Motion to Dismiss has merit. Accordingly, we respectfully request that the Motion be denied. If you need additional information from us, please let us know.

Sincerely,



Senator Shane Massey
Senate District 25



Rep. J. Roland Smith, Chairman
House District 84



Rep. Tom Young, Jr.
House District 81

cc: Scott Elliott, Esq.
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Michael Hunt
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